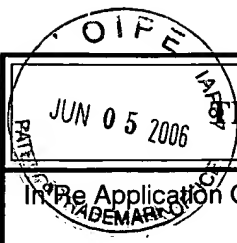


APZM



TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
ITL.0170US

In Re Application Of: **Sundaram Ramakesavan**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/234,559	January 20,1999	Victor R. Kostak	21906	2614	5930

Invention: **System for Providing Video on Demand with Pause Feature (as amended)**

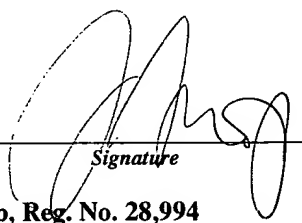
COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on
May 3, 2006

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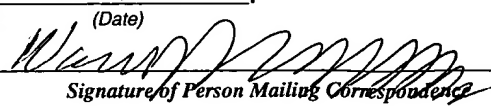
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Dated: **June 2, 2006**

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cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Sundaram Ramakesavan

Serial No.: 09/234,559

Filed: January 20, 1999

For: System for Providing Video on
Demand with Pause Feature
(as amended)

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Art Unit: 2614

Examiner: Victor R. Kostak

Atty Docket: ITL.0170US
(P6678)

Assignee: Intel Corporation

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APPEAL BRIEF

Date of Deposit: June 2, 2006

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Nancy Meshkoff

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REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

Appeal No. 2002-0336, decision mailed September 10, 2003, and Appeal No. 2005-2401, decision mailed August 31, 2005, both in this case.

STATUS OF CLAIMS

Claims 1-20 (Rejected).

Claims 21-22 (Canceled).

Claim 23 (Rejected).

Claim 24 (Canceled).

Claims 25-26 (Rejected).

Claims 1-20, 23, and 25-26 are rejected and are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A receiver for receiving video information from a video transmitter comprising:
a storage medium (Figure 3, 68, specification at page 8, lines 2-4) for storing video information received by a receiver;
a decryption engine (Figure 3, 65, specification at page 6, lines 22-23) to decrypt stored video information; and
a controller (Figures 2 and 3, 65, specification at page 11, lines 11-22) to control the storage medium and the decryption engine and request decryption information for the engine, said controller to control the play of video, to receive a request to pause the play of said video and to automatically request a code to enable video play to be resumed at a later time.

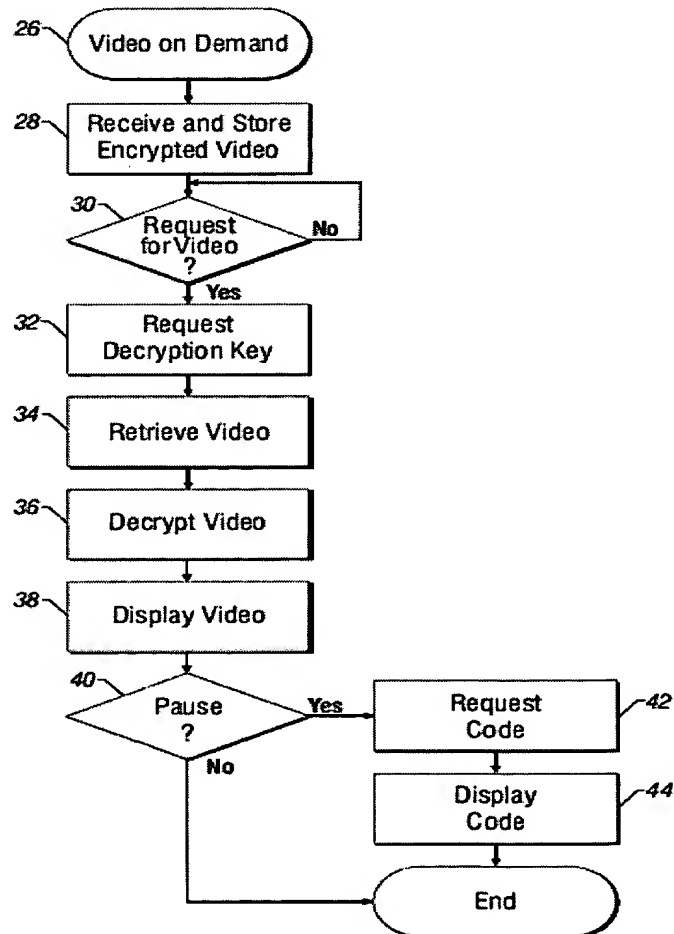


FIG. 2

4. A video transmission system comprising:
a video transmitter (Figure 1, 14, specification at page 3, lines 2-25) that transmits video to a plurality of receivers for display at a later time; and
a controller (Figure 1, 14, specification at page 7, lines 11-22) that transmits decryption information to said receivers to enable video upon request, said controller receives a request for a code to enable the play of video to be paused and to be resumed at a later time, and in response said controller automatically provides said code.

10. A method comprising:
storing encrypted video in a receiver (Figure 2, 28, specification at page 6, lines 8-10);
requesting a decryption key for said stored video (Figure 2, 32, specification at page 6, lines 15-17);
playing said video (Figure 2, 38, specification at page 6, lines 21-23);
receiving a request to pause said play of video (Figure 2, 40, specification at page 7, lines 11-14); and
automatically requesting a code to enable said video to be played at a later time (Figure 2, 42, specification at page 7, lines 11-14).

14. A video distribution method comprising:
storing video for selection by the recipient (Figure 2, 28, specification at page 6, lines 8-10);
upon request by the recipient, allowing the recipient to select for viewing a stored video (Figure 2, 30, specification at page 6, lines 15-17);
playing said video (Figure 2, 38, specification at page 6, lines 21-23); and
in response to a request to pause the play of said video, automatically requesting a code to enable play to be resumed at a later time (Figure 2, 42, specification at page 7, lines 11-14).

17. An article comprising a medium for storing instructions that cause a processor based system to:

- store encrypted video to a receiver (Figure 2, 28, specification at page 6, lines 8-10);
- request a decryption key, for said stored video (Figure 2, 30, specification at page 6, lines 15-17);
- play said video (Figure 2, 38, specification at page 6, lines 21-23);
- receive a request to pause said play of video; and
- automatically request a code to enable said video to be played at a later time (Figure 2, 42, specification at page 7, lines 11-14).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Do claims 1-20, 23, and 25-26 fail to comply with the written description requirement?**
- B. Do claims 1-20, 23, and 25-26 fail to comply with the enablement requirement?**

ARGUMENT

A. Do claims 1-20, 23, and 25-26 fail to comply with the written description requirement?

After having been reversed in two separate appeals, and having issued some eight briefs, communications, or rejections, the examiner has now determined that there is an issue under the written description requirement. This was raised for the first time in response to the Board's second decision on appeal, reversing prior art rejections propounded by the examiner since 1999.

Surprisingly the examiner now suggests that an amendment dated June 26, 2000, some six years ago, added language to all six claims covering "automatic requests" that were neither covered nor derivable from the original disclosures. Of course this position is completely unsupportable.

The application discloses doing what is claimed using software. Necessarily that involves automatic operation. The claim language calls for automatically requesting a code to enable video play to be resumed at a later time. The specification, page 7, lines 11-16 specifically provides how software implements the claimed automatic operation. If the user wishes to pause the ongoing video transmission, as indicated and determined in diamond 40 in the software flow, a signal may be sent over a back channel to the video provider 14 requesting a pause authorization. The video provider responds by providing an acknowledgement number as indicated in block 44. It is clear that this is done automatically in response to the request to pause video.

Therefore this rejection should be reversed.

B. Do claims 1-20, 23, and 25-26 fail to comply with the enablement requirement?

The same claims are also rejected under the enablement requirement. The assertion is that it is not clear from the claim context in the light of the original disclosure how the system can automatically request a code. Not only would one skilled in the art know how to do this once the idea was posed to him or her, but the specification provides the pertinent information anyway. In response to the request for video, the system automatically requests a code and receives it from

the provider as explained in the material cited above. While manual prompting may initiate an action that results in the automatic request for the code, there is nothing non-automatic about this automatic request. In other words, when the user pauses the video, the system automatically obtains the code for the user to enable the user to return to play the video from the point where the pause was implemented.

The quibble that the specification does not explain what the code is deliberately misses the point. The code can be any code that would not be known by an intruder. The idea is to get a code which recognizes that the user is entitled to restart the play of video. What that code is is of no significance to anyone skilled in the art.

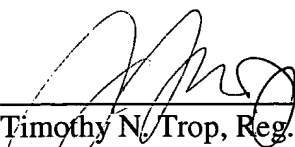
The assertions of indefiniteness under an enablement are misplaced and are not addressed here because they are clearly improperly posed. Moreover, they are facially defective. The assertions that these issues are not a minor matter is certainly belied by the fact that the examiner has repeatedly acted on this case for six years without ever noticing this allegedly non-minor matter, until the examiner was reversed twice by the Board of Appeals.

Reversal would again be appropriate.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: June 2, 2006



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CLAIMS APPENDIX

The claims on appeal are:

1. A receiver for receiving video information from a video transmitter comprising:
a storage medium for storing video information received by a receiver;
a decryption engine to decrypt stored video information; and
a controller to control the storage medium and the decryption engine and request decryption information for the engine, said controller to control the play of video, to receive a request to pause the play of said video and to automatically request a code to enable video play to be resumed at a later time.
2. The receiver of claim 1 wherein said controller includes a processor.
3. The receiver of claim 1 wherein said engine is adopted to decrypt stored video upon receipt of a request to view stored video.
4. A video transmission system comprising:
a video transmitter that transmits video to a plurality of receivers for display at a later time; and
a controller that transmits decryption information to said receivers to enable video upon request, said controller receives a request for a code to enable the play of video to be paused and to be resumed at a later time, and in response said controller automatically provides said code.
5. The system of claim 4 wherein said controller also is adapted to transmit an identifier which identifies a particular receiver to receive said decryption information.
6. The system of claim 5 wherein said controller is part of said transmitter.

7. The system of claim 4 wherein said video transmitter transmits video over a cable system.

8. The system of claim 4 wherein said video transmitter transmits video over a satellite system.

9. The system of claim 4 wherein said transmitter also transmits information to assist in locating particular video files transmitted by said transmitter to said receivers.

10. A method comprising:
storing encrypted video in a receiver;
requesting a decryption key for said stored video;
playing said video;
receiving a request to pause said play of video; and
automatically requesting a code to enable said video to be played at a later time.

11. The method of claim 10 including receiving the encrypted video from one source and receiving the decryption key from a second source.

12. The method of claim 10 including receiving the video and said decryption key from the same source.

13. The method of claim 10 including receiving an identifier to identify a particular receiver to receive said key.

14. A video distribution method comprising:
storing video for selection by the recipient;
upon request by the recipient, allowing the recipient to select for viewing a stored video;
playing said video; and

in response to a request to pause the play of said video, automatically requesting a code to enable play to be resumed at a later time.

15. The method of claim 14 including providing a graphical user interface which displays the video information which is available for selection by the user.

16. An article comprising a medium for storing instructions that cause a processor based system to:

store video for selection by the recipient;

upon request by a recipient, allow the recipient to select, for viewing, video previously stored;

play said video; and

in response to a request to pause the play of said video, automatically request a code to enable play to be resumed at a later time.

17. An article comprising a medium for storing instructions that cause a processor based system to:

store encrypted video to a receiver;

request a decryption key, for said stored video;

play said video;

receive a request to pause said play of video; and

automatically request a code to enable said video to be played at a later time.

18. The article of claim 17 including instructions that cause a processor based system to receive the encrypted video from one source and receive the decryption key from a second source.

19. The article of claim 17 including instructions that cause a processor based system to receive the video and said decryption key from the same source.

20. The article of claim 17 including instructions that cause a processor based system to receive an identifier to identify a particular receiver to receive said key.

23. The method of claim 22 wherein using said acknowledgement number includes using said acknowledgement number to resume the play of video without an additional charge.

25. The method of claim 24 further including receiving a key to enable decryption of the video.

26. The method of claim 25 including resuming the play of video from the point where the video play was paused.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.